

IN RE: PETITION FOR RESIDENTIAL VARIANCE\* BEFORE THE  
S/S Morningstar Court, 250' E  
of Daybreak Terrace \* DEPUTY ZONING COMMISSIONER  
(7 Morningstar Court) \* OF BALTIMORE COUNTY  
14th Election District  
6th Councilmanic District \* Case No. 91-154-A  
Charles Kreider, et ux  
Petitioners

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a proposed addition in the rear yard with a windowed wall to the tract boundary setback of 25 feet in lieu of the required 35 feet, a windowed wall to the side lot line setback of 9 feet in lieu of the required 15 feet, and to amend the first amended partial development plan of Daybreak Estates, Section One, Lot 44, in accordance with Petitioner's Exhibit 1.

The Petitioner: having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 22-26 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 30th day of November, 1990 that the Petition for Residential Variance to permit a proposed addition in the rear yard with a windowed wall to the tract boundary setback of 25 feet in lieu of the required 35 feet, a windowed wall to the side lot line setback of 9 feet in lieu of the required 15 feet, and to amend the first amended partial development plan of Daybreak Estates, Section One, Lot 44, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

ANN:bjs

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Townson, Maryland 21204  
(301) 887-3333  
J. Robert Haines  
County Executive

November 25, 1990

Mr. & Mrs. Charles Kreider  
7 Morningstar Court  
Baltimore, Maryland 21206

RE: PETITION FOR RESIDENTIAL VARIANCE  
S/S Morningstar Court, 250' E of Daybreak Terrace  
(7 Morningstar Court)  
14th Election District - 6th Councilmanic District  
Charles Kreider, et ux - Petitioners  
Case No. 91-154-A

Dear Mr. & Mrs. Kreider:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

ANN:bjs

cc: People's Counsel

File

## AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/so presently or upon settlement will reside at  
6 MORNINGSTAR COURT, BALTIMORE, MD. 21206  
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)

1. THIS AREA LENDS ITSELF TO THE UTILIZATION OF EXISTING FACILITIES AND LAND WITHOUT INTERRUPTION OR MAJOR ALTERATIONS TO THE PRESENT FLOOR PLAN PATTERNS.
2. INSULATE AND REDUCE HEATING BILLS.
3. REDUCE OUTSIDE NOISE.
4. A PLACE TO SIT OUT IN AND NOT BE CONCERNED WITH THE WEATHER, BUGS; MOSQUITOES, FLIES, ETC.
5. IMPROVE APPEARANCE OF HOUSE.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Charles Kreider  
AFFIANT (Handwritten Signature)  
Jane Kreider  
AFFIANT (Handwritten Signature)

CHARLES KREIDER  
AFFIANT (Printed Name)  
JANE KREIDER  
AFFIANT (Printed Name)

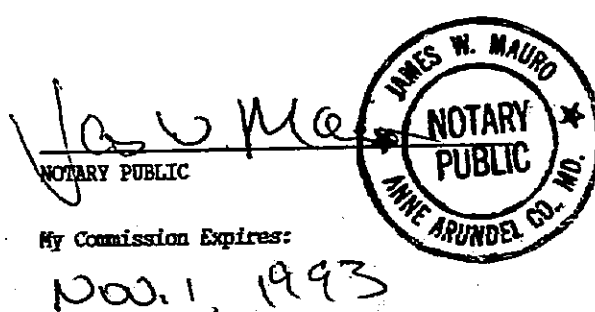
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 30th day of October, 1990, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Charles Kreider & Jane Kreider

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in the form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

Oct. 3, 1990  
DATE



My Commission Expires:  
Nov. 1, 1993

#### LEGAL DESCRIPTION OF PROPERTY

BEGINNING ON THE SOUTH SIDE OF MORNINGSTAR COURT, 50' WIDE, AT A DISTANCE OF 250' EAST OF A CENTERLINE OF DAYBREAK TERRACE. BEING LOT 44 IN THE SUBDIVISION OF DAYBREAK ESTATES. BOOK 52, FOLIO 148, ALSO, KNOWN AS 7 MORNINGSTAR COURT. IN THE 14th ELECTION DISTRICT.

Baltimore County  
Zoning Commissioner  
County Office Building  
731 West Chesapeake Avenue  
Townson, Maryland 21204

Account: R-001-6150

Number

receipt

No 3683

Date

10/16/90

H9100162

PUBLIC HEARING FEES

|                                   | QTY    | PRICE   |
|-----------------------------------|--------|---------|
| 010 - ZONING VARIANCE (IRL)       | 1 X    | \$35.00 |
| 080 - POSTING SIGNS / ADVERTISING | 1 X    | \$25.00 |
|                                   | TOTAL: | \$60.00 |

LAST NAME OF OWNER: KREIDER

0430480077M1CHRC  
88 100912M10-17-90

\$60.00

Cashier Validation:

Please make checks payable to: Baltimore County

#### CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Townson, Maryland

District: 14th

Date of Posting: 11/2/90

Posted for: Variances

Petitioner: Charles Kreider, et ux

Location of property: 96 Morningstar Court, 250' E of Daybreak Terrace

7 Morningstar Ct.

Location of Sign: Along Morningstar Ct., approx. 15' from roadway

on property of Petitioner

Remarks:

Posted by: [Signature]

Date of return: 11/2/90

Number of Signs: 1

## PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section

Section 1B01.2.C.2.a (B.C.Z.R.) and V.B.5.a. and V.B.6.b (C.M.D.P.) To permit a proposed

addition in the rear yard with a windowed wall to tract boundary setback of 25 ft. in lieu of the required 35 ft. and a windowed wall to side lot line setback of 9 ft. in lieu of the required 15 ft. and to amend the first amended partial development plan of Daybreak Estates, Section One for Lot #44.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons:

1. THIS AREA LENDS ITSELF TO THE UTILIZATION OF EXISTING FACILITIES AND LAND WITHOUT INTERRUPTION OR MAJOR ALTERATIONS TO THE PRESENT FLOOR PLAN PATTERNS.
2. INSULATE AND REDUCE HEATING BILLS.
3. REDUCE OUTSIDE NOISE.
4. A PLACE TO SIT OUT AND NOT BE CONCERNED WITH THE WEATHER, BUGS; MOSQUITOES, FLIES, ETC.
5. IMPROVE APPEARANCE OF HOUSE.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

CHARLES KREIDER

(Type or Print Name)

Signature

JANE KREIDER

(Type or Print Name)

Signature

7 MORNINGSTAR COURT

BALTIMORE, MD. 21206

City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

PATTO ENCLOSURES, INC.

Name

224 8th AVE., N.W.

GLEN BURNIE, MD. 21061

Address

ORDERED by the Zoning Commissioner of Baltimore County, this 17 day of Oct, 1990, that the subject matter of this petition be posted on the property on or before the 7 day of Nov, 1990.

J. Robert Haines

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED,

IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this 17 day of Oct, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in the newspaper of general circulation throughout Baltimore County, that the property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Townson, Baltimore County, on the 17 day of Oct, 1990, at 10 o'clock, A.M.

ORDER RECEIVED FOR FILING

Date: 11/8/90

By: [Signature]

ZONING COMMISSIONER OF BALTIMORE COUNTY

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Townson, Maryland 21204  
(301) 887-3333

J. Robert Haines  
Zoning Commissioner

October 23, 1990

Mr. & Mrs. Charles Kreider  
7 Morningstar Court  
Baltimore, Maryland 21206

Re: CASE NUMBER: 91-154-A

LOCATION: S/S of Morningstar Court, 250' E of Daybreak Terrace  
7 Morningstar Court

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before November 7, 1990. The last date (closing date) on which a neighbor may file a formal request for hearing is November 23, 1990. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reporting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your order to be held and incur a \$50.00 charge. Please be advised that the order will not be available for you to pick-up the day you return the sign.

2) Knowing no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

[Signature]  
Dennis F. Rasmussen  
County Executive



Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

November 9, 1990



Mr. & Mrs. Charles Kreider  
7 Morningstar Court  
Baltimore, MD 21206

Dennis F. Rasmussen  
County Executive

RE: Item No. 162, Case No. 91-154-A  
Petitioner: Charles Kreider, et ux  
Petition for Residential Variance

Dear Mr. & Mrs. Kreider:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner



Dennis F. Rasmussen  
County Executive

Your petition has been received and accepted for filing this  
17th day of October, 1990.

*J. Robert Haines*  
J. ROBERT HAINES  
ZONING COMMISSIONER

Received By:

*James E. Dyer*  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Charles Kreider, et ux

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines  
Zoning Commissioner

DATE: November 1, 1990

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Charles Kreider, Item No. 162

The Petitioner requests a Variance to permit an addition in the rear yard with a windowed wall to tract boundary setback of 25 ft. in lieu of the required 35 ft.; and a windowed wall to side lot setback of 9 ft. in lieu of the required 15 ft. and to amend the first amended partial development plan of Daybreak Estates, Section One, Lot 44.

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM162/ZAC1

received  
11/14/90

Baltimore County  
Fire Department  
700 East Joppa Road, Suite 901  
Towson, Maryland 21204-5000  
(301) 887-4500

Paul H. Reincke  
Chief

OCTOBER 30, 1990



Dennis F. Rasmussen  
County Executive

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: CHARLES KREIDER

Location: #7 MORNINGSTAR COURT

Item No.: 162 Zoning Agenda: NOVEMBER 7, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy. CHAPTER 22

REVIEWER: *Jeffrey Long* 10/30/90 Noted and Approved *Paul H. Reincke*  
Planning Group Fire Prevention Bureau  
Special Inspection Division

JK/KEK

received  
11/2/90

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE  
October 30, 1990

received  
11/14/90

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING

FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES *CED*

SUBJECT: ZONING ITEM #: 162  
PROPERTY OWNER: Charles Kreider, et ux

LOCATION: S/S of Morningstar Court, 250' E of Daybreak Terrace (#7 Morningstar Court)  
ELECTION DISTRICT: 14th  
COUNCILMANIC DISTRICT: 6th

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

( ) PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

( ) PARKING LOCATION ( ) RAMPS (degree slope)  
( ) NUMBER PARKING SPACES ( ) CURB CUTS  
( ) BUILDING ACCESS ( ) SIGNAGE

( ) PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

(X) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.

( ) A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

( ) STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).

( ) OTHER -

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

APPLICABLE CODE: 1987 NATIONAL BUILDING CODES AS ADOPTED BY COUNCIL BILL #158-88.

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: October 26, 1990

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting  
for November 7, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 147, 153, 161, ~~162~~ and 163. Also, we have no comments on Items 102 and 112.

Items 443 revised and 148 County Review Group meetings are required.

For Item 169, a County Review Group Meeting may be required. Denison Street is proposed as a 30-foot paving section on a 50-foot right-of-way (5-foot widening is required). Drainage from the proposed parking areas is directed to rear of adjacent Lot #6.

*Robert W. Bowling*  
ROBERT W. BOWLING, P.E., Chief  
Developers Engineering Division

RWB:s



RIC-LEE CORPORATION  
T/A PATIO ENCLOSURES, INC.

224 8TH AVENUE, N.W.  
GLEN BURIE, MARYLAND 21061-2828  
301-760-1919

October 3, 1990

RECEIVED  
OCT 10 1990  
ZONING OFFICE

Baltimore County  
Dept. of Planning & Zoning  
Baltimore County Office Bldg.  
Chesapeake Avenue  
Baltimore, Md. 21204

Attention: John Lewis

RE: Charles Kreider Variance - 7 Morningstar Ct.

Dear Mr. Lewis:

Enclosed are the revised and missing items as discussed at out filing meeting on October 2, 1990 at 11:45 a.m.

Enlarged Vicinity Map  
Aerial Map  
Notarized Affidavit  
Added Wording To Plot Plan  
35' Tract Boundary Set Back  
Proposed Addition  
Windowed Walls  
Check: In The Amount of \$60.00

Also, enclosed is a stamped, addressed envelope for the return of the receipt.

Sincerely,

*John Lewis*  
R. L. Lewis  
Agent

RLT:vlm

Enclosures 6

91-154-A

Real Estate Title Company

Subsidiary of Lawyers Title, Richmond, Virginia  
APP. NO. 127517

THIS DEED, Made this 3rd day of February in the year one thousand nine hundred and eighty-six by and between DAYBREAK ESTATES CORPORATION a body corporate, duly organized and existing under the Laws of the State of Maryland, party of the first part; and CHARLES A. KREIDER and JANE T. KREIDER, husband and wife, parties of the second part.

WITNESSETH that in consideration of the sum of \$ 95,650.00 (the actual consideration paid or to be paid) and other good and valuable consideration, the receipt of which is hereby acknowledged, the said party of the first part does grant and convey unto the said parties of the second part, as tenants by the entireties, their assigns, the survivor of them and the survivor's personal representatives and assigns, in fee simple, all that lot of ground situate in Baltimore County, State of Maryland, and described as follows:

BEING KNOWN AND DESIGNATED as Lot No. 44, Section 1, Plat No. 2, as shown on Plat entitled "DAYBREAK ESTATES", which Plat is recorded among the Land Records of Baltimore County in Liber L.R.K., Jr. No. 52, folio 148.

The improvements thereon being known as No. 7 Morning Star Court.

BEING one of the lots of ground which by Deed dated December 18, 1984 and recorded among the Land Records of Baltimore County in Liber L.R.K., Jr. No. 6839, folio 1, was granted and conveyed by Julia Lemart unto Daybreak Estates Corporation, a Maryland corporation, the within Grantor.

C REC/E 13.00  
C T IX 478.25  
C DCS 480.00  
DEED 0 #  
EXR JR T 971.25  
804283 C001 R02 110-33  
02/11/86

AGRICULTURAL TRANSFER TAX

NOT APPLICABLE

SIGNATURE *JK* DATE *2-11-86*

STATE DEPARTMENT OF

ASSESSMENTS & TAXATION

SIGNATURE *JK* DATE *2-11-86*

8 8631\*\*\*\*\*1536404a 8114A



